

**REMARKS**

This Amendment presents amended claims 1, 12 and 15 in the format required by 37 C.F.R. 1.173(b)(2). Claims 1-12 and 15 are pending, and claims 1, 7, 9, 12 and 15 are independent. The status of the claims is as follows:

<u>Claim</u>	<u>Status</u>
1	amended patent claim
2	original patent claim
3	original patent claim
4	original patent claim
5	original patent claim
6	original patent claim
7	original patent claim
8	original patent claim
9	original patent claim
10	original patent claim
11	original patent claim
12	amended new claim
13	canceled
14	canceled
15	amended new claim

With regard to the Examiner's rejection of claims 1-15, under 35 U.S.C. 251, as containing an improper original in failing to identify at least one error upon which the filing the instant reissue application is based, please find attached a new reissue declaration, PTO/SB/51 form, properly identifying the error is failing to claim the "boss" as set forth in new claim 15 and identifying the amendments of September 22, 2000, July 9, 2001 and May 1, 2003. In light of this submission and since the instant amendment merely corrects formality errors, under 37 C.F.R. 1.175, made in the earlier amendments and cancels newly added claims 13 and 14, it is believed that the instant rejection under § 251 has now been rendered moot.

It is further noted that the instant response includes a Consent of the Assignee (PTO/SB/53 form) signed by the Assignee Paula S. Fried, to permit the filing a instant reissue application, as well as a Statement Under 37 CFR 3.73(b) (PTO/SB/96 form) signed by the Assignee Paula S. Fried. The Applicant includes with this response the

Letters Patent as required, and a copy of the USPTO decision reinstating the U.S. Patent 5, 810,590 after payment of the maintenance fee.

With regard to the rejection of claim 13, under 35 U.S.C. § 251, as being directed to subject matter surrendered during prosecution of the application upon which the instant reissue application is based, the Applicants have canceled claim 13 which therefore renders moot this rejection.

With regard to the rejection of claims 1-6, 12 and 15, under 35 U.S.C. § 112 - second paragraph, for failing to particularly point out and distinctly claim the subject matter regarded as the invention by presenting in claims 1, 12 and 15 the features of “transverse face of said boss” and “transverse face of said body” as well as “said tranverse of said boss,” the Applicants have amended claims 1, 12 and 15 to recite that “at least one indentation penetrating said transverse face of said boss and said proximal surface of said body...” which clearly reflects the features of the specification, e.g., at Figures 10a, 10b, showing indentations in both the proximal surfaces of the body and the transverse face of the boss which are “adapted to engage an insertion device or at least one protrusion of a dental prosthesis or abutment so as to fix the position of the abutment or crown relative to said implant.” In light of these changes, the rejection of claims 1, 12 and 15, under § 112, is believed to have been overcome.

With regard to the rejections of:

Claim 13, under 35 U.S.C. § 102(b), as being anticipated by the teachings Singer ('471), and

Claims 13 and 14, under 35 U.S.C. § 102(b), as being anticipated by the teachings Nikoghossian ('058),

each of these rejections is respectfully traversed.

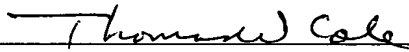
Since the Applicants have canceled claims 13 and 14, these rejections have also been rendered moot. Therefore, it is respectfully requested that the rejections under § 102(b) based upon the Singer ('471) and Nikoghossian ('058) patents be withdrawn.

Finally, it is noted that the above amendments to claim 1 comply with requirements of 37 C.F.R. 1.173(b)(2) by properly bracketing the original claim 1 text that is to be deleted and underlining those new text features added to the claim.

**CONCLUSION**

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that claims 1-12 and 15 are in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicants' undersigned representative.

Respectfully submitted,

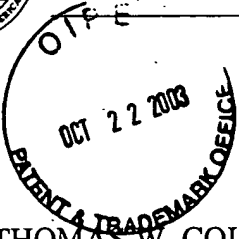
  
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Dated: October 22, 2003



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**AUG 12 2003**

**OFFICE OF PETITIONS**

In re Patent No. 5,810,590  
Issue Date: September 22, 1998  
Application No. 08/753,887  
Filed: December 2, 1996  
Patentee: Paula S. Fried, et al.

**RECEIVED**  
**OCT 28 2003**  
TECHNOLOGY CENTER R3700 ON PETITION

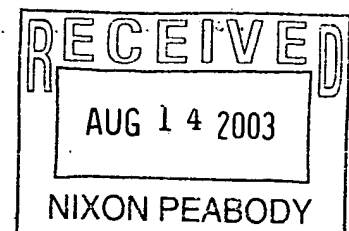
This is a decision on the petition under 37 CFR 1.378(c), filed August 11, 2003, to accept the unintentionally delayed payment of the 4 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office. Also, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

If petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which may be mailed concerning this patent, a Fee Address (see PTO/SB/47) should be submitted to the Maintenance Fee Division.



The patent file is being forwarded to Files Repository.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

A handwritten signature in cursive script that reads "Retta Williams".

Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5810590

September 22, 1998

Dental implants and methods for extending service life

REISSUE: Reissue Application filed Sep. 22, 2000 (O.G. Nov. 7, 2000) Ex. Gp.: 3732; Re. S.N. 09/667,827, (O.G. November 7, 2000)

CERT-CORRECTION: February 2, 1999 - a Certificate of Correction was issued for this patent

APPL-NO: 753887 (08)

FILED-DATE: December 2, 1996

GRANTED-DATE: September 22, 1998